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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,808	04/07/2000	Muhammed Ibrahim Sezan.	KRL:7146.066	1597

7590 10/06/2004  
Chernoff Vilhauer McClung & Stenzel LLP  
1600 ODS Tower  
601 SW Second Avenue  
Portland, OR 97204

EXAMINER
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LAMBRECHT, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/544,808	SEZAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher M. Lambrecht	2611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-93 is/are pending in the application.
- 4a) Of the above claim(s) 6-93 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4,5,6,7,8,9</u> . | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 1-5 in the reply filed on 23 September 2004 is acknowledged.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (US006553178B2) in view of Goldhaber (Goldhaber et al., US005794210A).

With regard to claim 1, Abecassis discloses a method of using a system with a video comprising a plurality of frames comprising the steps of: providing a usage preferences description (viewer's content preferences), describing preferences of a user with respect to the use of said video (col. 15, ll. 61-63), where said description includes multiple preferences (col. 16, ll. 6-8); and providing a protection attribute with respect to at least one of said preferences (password protection of viewer's content preferences screen, col. 16, ll. 34-36 and col. 17, ll. 46-49).

Though Abecassis does disclose providing a protection attribute with respect to at least one of said preferences, he fails to disclose the protection attribute indicates whether said one of said preferences is public or private.

In an analogous art, Goldhaber discloses a protection attribute indicating whether preferences (profiles, col. 13, ll. 33-55) are public or private (i.e., user can specify whether to make their profile available to advertisers, or to hide it from advertisers, col. 14, ll. 4-10), for the purpose of allowing the user to control access to personal information (col. 17, ll. 21-26).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the method of Abecassis providing a protection attribute indicating whether preferences are public or private, as taught by Goldhaber, for the purpose of allowing the user to control access to personal information in a method of using a video distribution system.

As for claim 2, Abecassis and Goldhaber together disclose the method of claim 1, wherein said at least one of said audio, image, and video is video (Abecassis, col. 15, ll. 59-61).

As for claim 3, Abecassis and Goldhaber together disclose the method of claim 2 further comprising the step of limiting access to preferences associated with said protection attribute based upon said protection attribute (i.e., profile is either hidden or made available to advertisers based upon specification of the user; Goldhaber, col. 13, ll. 34-40).

As for claim 4, Abecassis and Goldhaber together disclose the method of claim 3, wherein said access is limited to a remotely located service provider (Goldhaber, attention broker computer 106, fig. 1, col. 14, ll. 29-35) of said video (where Goldhaber discloses the attention broker computer provides advertisements to the consumer, col. 15, ll. 64-66, and Abecassis discloses said video comprises advertisements, col. 44, ll. 46-57).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis and Goldhaber as applied to claim 1 above, and further in view of Oliver (Oliver et al., US 20020133412A1).

With regard to claim 5, Abecassis and Goldhaber together disclose the method according to claim 1, wherein said protection attribute is binary (i.e., the customer's profile can be designated as available to advertisers or not, Goldhaber, col. 13, ll. 34-37). However they fail to disclose the protection attribute is a binary value.

In an analogous art, Oliver discloses a protection attribute (privacy flag) implemented as a binary value (on/off flag, pg. 12, ¶0293), for the purpose of enabling user preference settings to be combined as a single numeric identifier (¶0293, ll. 1-3).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the method of Abecassis and Goldhaber said protection attribute is a binary value, as taught by Oliver, for the purpose of enabling user preference settings to be combined as a single numeric identifier, in method of using a video distribution system.

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### ***Conclusion***

5. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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on \_\_\_\_\_  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

### **Certificate of Transmission**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) \_\_\_\_\_ - \_\_\_\_\_ on \_\_\_\_\_  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (703) 305-8710. The examiner can normally be reached on 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M. Lambrecht  
Examiner  
Art Unit 2611

CML

  
CHRIS GRANT  
PRIMARY EXAMINER

CHRIS GRANT